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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,810	01/29/2002	Mark D. Hanes	MRZ 9038.1	6785
321	7590	11/27/2007		
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER RATHINASAMY, PALANI P	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 11/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/059,810

Applicant(s)

HANES, MARK D.

Examiner

Palani P. Rathinasamy

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7,9,10,12,13,15-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7,9,10,12,13,15-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to Amendment filed on 9/12/2007.
2. Claims 1, 9, 12, 13, 16, and 19 have been amended. Claims 4, 6, 8, 11, 14, and 18 have been cancelled. Claims 1-3, 5, 7, 9-10, 12-13, 15-17, and 19-20 are pending.

Specification

3. The attempt to incorporate subject matter into this application by reference to USP 5,956,695 is improper. If there is any portion of the reference or patent that Applicant deems relevant, then the portion needs to be integrated or incorporated into the current specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 5, 9-10, 12-13, 16-17, and 19-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Karas et al. (US 2002/0103711 A1) in view of Stoltz et al. (US 2002/0095576 A1).**
5. Regarding claims 1, 9, 12-13, 16, and 19-20, Karas et al. teaches an online method done over the Internet for which a sender (customer) can select a message

(document) to be sent and an amount (award) to be sent to a recipient (participant). (Karas et al., Abstract). The sender chooses their own message to be sent or selects from prewritten messages. (Karas et al., Fig 2). The message is customizable by the sender and can be changed based on the occasion. (Karas et al., Fig. 3A; Fig. 9). The sender selects from various amounts to be sent to the recipient. (Karas et al., Fig. 2; [0039]). Optionally, the payment can be made to a specific merchant or store (ie. gift certificate), instead of to the recipient. (Karas et al., [0030]). Figure 2 is an example of the website (first program) to which the sender accesses and selects a custom message and amount that is to be transmitted to the recipient. (Karas et al., Fig. 1; Fig. 2; [0037]-[0039]). Figure 1 shows a printing system (second program) that renders the electronic version of the motivation package into an off-line format. (Karas et al., Fig. 1; Fig. 12; [0057]). The sender previews the message and amount on screen before it is sent out. (Karas et al., [0053])

According to applicant's specification (US 2002/0120511 A1) a motivation document is a document that "recognizes the participant." (Applicant Specification, [0034]). Examiner takes the birthday "gram" that is given as an example in Figure 4A to be a "motivational document" in that it recognizes a recipient of their birthday (achieving a certain age). As another example, Kraus et al. teaches that this could be used to recognize a recipients "graduation". (Karas et al., [0038]).

Karas et al. teaches that printing of the motivation message and amount are done at a printing system. (Karas et al., [0033]). Karas et al. does not explicitly teach of allowing the sender to print the motivation package at a location that they designate.

Stoltz et al. teaches of a system for recognizing users through certificates whereby the sender can choose to print out the certificates or electronically transmit them to the recipient where it can be displayed or printed. (Stoltz et al., [0030], [0036]).

Furthermore, Stolz et al., like Karas et al., teaches that the users access the system via the Internet on a user computer (i.e. processor and software) separate from the host server and that the user electronically receives and prints the electronic certificate on the separate computer. (Stolz et al., Abstract; Claim 29). Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to allow the sender to print out the message and award. One would have been motivated to do so in order to allow the sender flexibility in distributing the motivation message and award.

6. Regarding claim 2, Karas et al. teaches that the message and award are customized online by the sender. (Karas et al., Abstract; Fig. 2; Fig. 3A).

7. Regarding claim 3, Karas et al. teaches that if the sender previously registered with the website, the server would have the customer account information. (Karas et al., [0042]-[0043]) It is inherent that this is a "customer history database" that maintains information about the customers account information.

Karas et al. does not explicitly teach of maintaining history on previous purchases. However, OFFICIAL NOTICE is taken that it is common in the art to store data relating to the customers purchase data. It is done for numerous reasons. Some examples: so that the company can create internal reports, so that a user can see past purchases, etc. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have maintained a history of the customers' previous

purchases. One would have been motivated to do so in order to create internal reports or allow users to see their past purchases.

8. Regarding claim 5, applicant further teaches that the motivation document is from a group comprising of a certificate of achievement, acknowledgement of service, or a team accomplishment certificate. Karas et al. teaches that the "gift gram" can be sent out for many occasions, including a birthday and graduation.

Karas et al. does not explicitly teach of a certificate of achievement, acknowledgement of service, or a team accomplishment. Stoltz. et al. teaches of a similar user recognition system. Stoltz et al.'s figures 8, 12 and 15 are examples of certificates that are the same as those listed by Applicant. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used a certificate of achievement, acknowledgment of service, or a team accomplishment certificate. One would have been motivated to so in order to recognize the recipient for other accomplishments other than graduation, birthdays, etc.

9. Regarding claim 10, Karas et al. teaches of printing at a printing system. (Karas et al., [0033]). Karas et al. does not explicitly teach of allowing the sender to print the package prior to a expiration date. Stoltz et al. teaches of a time period that is specified for the document and if the time period passes, the document is deactivated. (Stoltz et al., [0030]). Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to have a set time period for the package to be printed. One would have been motivated to so in order to prevent certificates and awards from being idle and unused.

10. Regarding claim 17, Karas et al. teaches that the sender can go back and make changes to the message and amount. (Karas et al., [0053]).

11. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karas et al. (US 2002/0103711 A1) in view of Stoltz et al. (US 2002/0095576 A1) in further view of Dubbels et al. (US 6,222,634 B1).

12. Regarding claims 7 and 15, Karas et al. teaches of printing the message and award. As stated above, Karas et al. does not explicitly teach where the documents are printed, however, Stoltz et al. teaches of a similar method of recognizing users whereby the sender (Stoltz et al., [0035]) or the receiver can print the certificate (Stolz et al., [0035]-[0036]; [0040]). Stoltz et al. teaches that the sender or the receiver can print the certificate, download the certificate in electronic form, or email the certificate. (Stoltz et al., [0035]-[0043]).

Karas et al. does not explicitly teach of using a plug-in for a browser to print the certificates. As stated in the previous office action (10/20/2006), plug-ins for rendering on screen or in browser documents is old and well-known. For example, Dubbels et al. teaches a method for printing web pages on the Internet. (Dubbels et al., Abstract) Dubbels et al. teaches of printing using a separate application, a plug-in, java applet, etc. (Dubbels et al., Col 7, Lines 1-15). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used a plug-in to print the certificate. One would have been motivated to do so in order to print the certificate directly from the browser.

Response to Arguments

13. Applicant's arguments and amendment, filed 9/12/2007, with respect to Double Patenting have been fully considered and are persuasive. The double patenting rejection has been withdrawn.

14. Applicant's arguments with respect to claims 1-3, 5, 7, 9-10, 12-13, 15-17, and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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